

COA-II No. 55362-7-II  
Sup.Ct No. 20-2-06525-6

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COURT OF APPEALS  
DIVISION II

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STATE OF WASHINGTON

COURT OF APPEALS  
DIVISION II  
OF THE STATE OF WASHINGTON  
AT TACOMA

BY   
DEPUTY

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Special appearance - by  
Marc James Roberts, of the honorable Roberts clann  
[acting in his sui juris sovereign capacity]  
Appellant/Aggrieved Party

v.

Jeffrey A. Uttscht, Superintendent,  
Coyote Ridge Corrections Center  
Respondent.

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"Brief of Appellant"

An Aggrieved Party

Claiming An Actual

"Injury In Fact"

via/Affidavit

Marc James Roberts  
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which the court needs to review in order to make a  
judicious determination on the "issues"/"matters"  
presented in appellants Appeal. (RAP 9.6)).

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## I. Introduction

Comes Now, Marc James Roberts, a sovereign-man-[as opposed to an Artificial Person/Party]-see-"artificial person canon" of (2013). This sovereign-[an aggrieved party]-(hereinafter AP)-is making a special appearance in his sui juris sovereign-[private]-capacity, in order to protect his-[God]-given-[natural]-rights, that are absolute and inalienable; Specifically but not limited to his fundamental First Amendment Right To Redress.

This sovereign has a vested Liberty interest in this Appeal; has-(Article III., "Standing") ; and fundamental-[natural]-rights to an equitable Remedy; even if by a third party arbitrator presiding over an "extrajudicial" Arbitration Forum/Event. Blk's Law Dic. "American Arbitration Association" of (1926)(AAA). This sovereign willfully gives his-[full written-consent]-to this COURT OF APPEALS-[an arbitration forum event]-because any determination made against AP's dispositive facts; a "matter of record"; would plainly be arbitrary and capricious. NOTE: AP discovered the (AAA) after Adams' private "extrajudicial" proceedings; after writing his, Original Writ.

AP was forced to File this Appeal to correct an injustice; Adams' "Order of Dismissal" is contrary to Constitutional Law; and invalid on its Face; No consent was given by AP.

This sovereign/AP is competent to testify on the matter(s) stated herein; has First-Hand Knowledge & can plainly prove that Adams' "Order" is arbitrary & capricious.

## II. Assignment of Error

(1) SUSAN B. ADAMS(Adams)-(a third party arbitrator)-presiding over a private-[extrajudicial]-Arbitration Forum/Event willfully chose to deprive this sovereign/AP of his fundamental natural First Amendment Right To "venue." NOTE TO COA: AP inadvertently omitted-[on his third-(forced)-Filing of his "Designation of Clerk's Papers"]-his "Change of 'venue'" Document, Filed on 08/21/2020. Therefore AP added said Document to his annexed Appendix F(Appx.F), pg.9, because it is a relevant dispositive fact/ultimate evidence.

(2) Adams DID NOT obtain consent, directly or indirectly, from this sovereign; jurisdiction was obtained by fraud, subterfuge. Clerk's Papers(CP) 92-33; 99-102; 104-106; AP's Argument pgs.9-11; Appx.F, pgs. 1&2; 5; 6; and 8.

(3) Adams willfully deprived/abrogated this sovereigns fundamental-[natural]-First Amendment Right To Redress; his fundamental right to due process. CP 86-91; 94-98; 111-117.

(4) Adams willfully chose to violate the well-established, Legislative enactments of Chapter 7.36-(the Statutory Principles, Provisions); the proper Standards for entertaining "Original" Writ of Habeas Corpus, esp. when this sovereigns Writ plainly and adequately argues justiciable (Artical III.) claim's, which must, as a matter of law, be adjudicated.

(5) Adams willfully chose to use AAG Kostin's Legal Fiction; plainly a fallacious argument-[time-bar]-to subvert, and or evade AP's "Federal Question's"; simulated facts used with Brief of Appellant

the expressed willful intent to falsify the Record; falsus in uno doctrine. CP 70-85. Substantive fact, there were NO Filed Rebuttals, no opposition to any of AP's Pleading's by the Respondent/AG. CP 86-91; 94-98; 111-117. And Adams, and or the Arbitration Forum/Event, held NO hearing's on any of this AP's said Pleading's either; proving arbitrary & capricious claim. See Docket & Appx.F,pgs.10-14.

(6) Adams' Order of Dismissal is plainly arbitrary and capricious; a determination made without any consideration of, or regard for AP's dispositive facts, circumstances, fixed rules-[Statutes]-or procedures. In other words, a decision founded on prejudice and preference. CP 70-85; 86-91; 94-98; 111-117.

(7) Adams willfully chose to omit [all] Pleading's/Motion's Filed by this sovereign/AP; which is a matter of record." CP 86-91; 94-98; 111-117; Appx.F, pg.9; "Statement of Case," pg.4.

(8) Adams willfully chose to depart from the accepted and usual course of judicial proceedings-[Statutory-Principles of Chapter 7.36]-as to call for the exercise of this COA supervisory power. CP 70-85; 86-91; 94-98; 111-117.

### III. Statement of the Case

Adams held an "extrajudicial" color of process-[hearing] on 11/20/2020, without this sovereigns consent; intentional willful fraud/subterfuge. CP 92-93; 99-102; 103; & 104-106; Both Documents-[Returned-Unclaimed]- involve jurisdiction, Brief of Appellant

and or authority-[consent]-to proceed on the-[matters]-issues, i.e., the "ORDER SETTING ORIGINAL CASE SCHEDULE," Filed on 09/21/2020; and "REASSIGNMENT LETTER," Filed on 10/09/2020. CP 92-93; 103; see also, Court Rule (CR) 2. A.

AP was deprived of his right to Formally Object to the two (2) relevant and substantial-[Returned-Unclaimed]-Documents, by design. See also this sovereigns, notarized Affidavit-[verbatim]-of color-of-process hearing. Appx.F,pg.1&2.

This AP made "Formal Objections" throughout Adams' color of process, Public, extrajudicial, Arbitration Forum/Event. See, extrajudicial, Blk's Law Bic., "outside the functioning of the-de jure-court system." See, "Objection To Motion To Dismiss" Filed on 08/21/2020-CP 86-91; "Motion For Change of 'venue'" Filed on 08/21/2020-Appx.F, pg.9; and esp., AP's "Standard of Review," Filed on 09/23/2020-CP 94-98; & Motion For Relief, Filed on 12/07/2020-CP 111-117; **NOTE:** this Motion was actually Filed on 11/29/2020; most Filing Dates are NOT Correct? See, GR 3.1's. See also, CR-52(b); CR 60(b)(4)&(5).

**NOTE:** discovery of the (AAA) is the last piece-of-the-puzzle that fortifies this sovereigns "Federal Question's," i.e., his justiciable-(Article III., §2, cl.1)-claim's, that are plainly and adequately pleaded in his "Original" habeas corpus-Action. CP 1-67; Lujan.v. Def's.of.Wildlife, 504 U.S. 555, @ 559, 112 S.Ct. 2130, 119 U.Ed.2d 351 (1992)("... the justiciable sort referred to in Article III. [,] those that are appropriately resolved through the judicial process.")

(quoting, Whitmore v. Arkansas, 495 U.S. 149, @ 155, 110 S.Ct. 1717, 109 L.Ed.2d 135 (1990)).

Adams had a "duty to act," i.e., to make a determination on [all] of AP's pleadings/motions; a "duty to obey the Supreme-[natural Law]-of the Land; and a "duty to investigate," even as a third party arbitrator. Dispositive fact; which is a "matter of record"; the-[ONLY]-pleadings that Adams considered, i.e., made a determination on, was AG Ferguson & AAG Kostin's "Response," Filed on 07/13/2020-CP 70-85. Dispositive fact, the Defendants "Response" is a "Legal Fiction," a fallacious argument; plainly proves Adams' Order of Dismissal to be arbitrary & Capricious. CP 70-85; 86-91; 94-98; 111-117.

AG Ferguson and AAG Kostin had a "duty of candor," i.e., not to mislead the COURT with false statements, either of law or of fact, esp. when they knew their "Response" promulgated a fallacious-[Timer-Bar]-argument; see simulated fact, Blk's Law Dic. "a fabricated fact intended to mislead; a lie. CP 70-85; Plainly & adequately Rebutted by AP. CP 86-91; 94-98.

This sovereign/AP has suffered enough moral turpitude by "Persons" acting in their "private"/"individual" status and or capacities, whom are plainly showing psychotic tendencies.

Adams, AG Ferguson, and AAG Kostin read/descried this sovereigns/AP's, "application" for his "Original" state, Writ of Habeas Corpus, a civil-action; Filed on 06/16/2020; (which is also a fallacy-Writ was actually Filed on 05/06/2020-see-GR 3.1-CP 109-110); and therefore they all know--



unequivocally that this sovereigns Writ is not Time-Barred; they are not stupid; plainly their Response is designed to impede, and or Obstruct Justice, and evade this sovereigns justiciable-(Article III.)-claims and meritorious allegations. See CP 70-85; 86-91; 94-98; 111-117.

It is plainly obvious, at least to any unbiased fact-finder and or jurists of reason that the willful delay of the Filing of the Writ-(RCW 7.36.240)-was used by Adams, AG Ferguson, & AAG Kostin, to develop their devilish scheme-[by design]-willful forethought-(premeditated)-with the intent to silence this sovereign. Think about it, if only for a moment, AG Ferguson and AAG Kostin, were not issued a "Show-Cause" Order. See, CP 92-93 ("Confirmed-Show Cause-was Ex Parte-Filed on 06/16/2020); AP cannot find any Show-Cause "Order," issued by the Clerk, or Adams to Respondent, on the Record?

#### IV. Argument

This sovereign/AP is entitled to a just/fair & equitable remedy consistent with the well-established principles of Chapter 7.36, and the Supreme, Natural, "Law of the Land" [equity jurisprudence]; even in this "Public," Arbitration Forum/Event; justice that is morally right & free of bias.

Therefore, this sovereign brings forth his "entire" case, (cause No. 20-2-06525-6), in good-faith, so it can be Reviewed-[de novo]-by a neutral decision-maker, that will apply the proper "Standards"-[Chapter 7.36]-and make a Law--  
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ful determination by actually investigating, via, ethical consideration of [all] facts, esp., the dispositive facts & circumstances; and the unjustifiable actions willfully perpetrated upon this sovereign/AP; and address the question's of Law-[natural law]-and render a well-considered judicious determination, without bias or prejudice.

Dispositive fact, which is also a matter of record, this sovereign was forced, via, deception/fraud and subterfuge, to participate in Adams' "extrajudicial," color of process, "private"/Public Arbitration Forum/Event, against his will. See, "NOTE" above; and Appx.F,pg.1&2, this sovereigns "Affidavit"-[verbatim]-on the 11/20/2020, foist hearing.

Even the Clerk of the Arbitration Forum; which masquerades as a Lawful-(Article III., §2, cl.1)-Court, i.e., a-[geographical]-"Court of the several states"; KEVIN STOCK-(Note the Straw man NAME)-has plainly attested to the dispositive fact that Adams presided over an Arbitration Forum. See, Stock's, Third "Return" of AP's "Designation of Clerk's Papers and Exhibits," Appx.F,pg.3, upper right-hand corner ("KEVIN STOCK-Clerk of the Superior Court and Director of Arbitration").

NOTE: Anyone, or anybody, or any entity can claim/call themselves a "Superior Court," but that doesn't make it Real.

The willful misconduct and intentional malice that this sovereign has been made to suffer-[personal wrongs]-must be corrected. Adams, Mr. Ferguson, Mr. Kostin, and Mr. Stock, willfully engaged in a concerted effort to silence this sov-  
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ereign via a color of process-[arbitration]-hearing; enabling the Respondent/AG to sidestep the justiciable (Art. III.)-claim's, i.e., "Federal Question's," plainly and adequately pleaded in his "Original" habeas corpus-Action. See, Moran.v.-Godinez, 75 F.3d 690, @ 698 (9th Cir. 1994)("Only the denial or misapplication of state procedures that result in the deprivation of a substantive constitutional right will implicate a federally recognized liberty interest."). Also, ("Misapplication of state laws that lead to the deprivation of liberty interest created by them may be reviewed in a federal habeas proceeding.") Ballard.v.-Estelle, 937 F.2d 453, @ 456 (9th Cir. 1991).

Adams' "ORDER OF DISMISSAL," is plainly arbitrary and capricious because it is contrary to the well-established principles of the Supreme-[natural-Law of the Land; not to mention being in violation of the Legislative enacted Statutory Principles/Provisions of Chapter 7.36-Habeas Corpus-Standards; and Article 1, Sec.13.

Also, Adams did not obtain "consent" from this sovereign, again, a matter of record. In fact Adams willfully and knowingly had her Clerk, Mr. Stock, falsify the Record in order to make it appear that "Consent" was indirectly given, which is not only fraud, but criminal in nature.

For instance, the "Case Summary" shows that on 10/05/2020 and on 11/03/2020, two (2) separate "Legal Mailing's" were Returned-Unclaimed. The First one being the "ORDER SETTING--  
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ORIGINAL CASE SCHEDULE," CP 92-93. And the Second one being the "REASSIGNMENT LETTER," CP 103. Dispositive fact, AP did not receive either of the identified "Legal Mailing's"; which curiously enough, both pertain specifically to jurisdiction i.e., "consent." AP didn't even receive a "Mail Rejection Notice" for the Identified "Legal Mailing's," DOC Policy 450.100. Nor was AP placed on the Legal Mail callout.

The fact is, AP did not discover that there were two (2) Returned-Unclaimed Legal Mailing's until he received, in another "Legal Mailing," from Mr. Stock, a "Case Summary," Dated 12/07/2020, see, Appx.F, pg.4, some twenty (20) days after the private color of process Arbitration Hearing, done on 11/20/2020. And then it still took AP another month or so to get Mr. Stock to re-send the identified Returned-Unclaimed Legal Mailing's. See, Appx.F, pgs.5, 6, and 7. In fact Mr. Stock had the audacity to force AP to Pay for Copies of the identified Document's; even though he knew full-well that the Unclaimed Mailing's were through no fault of AP. These are substantive facts, a matter of record; AP was literally, via, subterfuge, stripped of his fundamental right to Formally Object to both identified Legal Document's; "venue" is a fundamental, Constitutionally protect Right. State.v..Pejsa, 57 WN.App. 139, @ 145, 376 P.2d 963 (1994).

This AP does not believe in coincidence, nor happen chance; AP has received every other Legal Mailing that Mr. Stock has sent, without issue; yet the two (2) most relevant  
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Legal Document's pertaining to "consent" did not reach AP? Combine this dispositive fact with Adams' unjustifiable refusal to settle the relevant question of "venue" at the extrajudicial private Arbitration hearing on 11/20/2020, see, Appx.F, pgs.1 & 2, plainly proves Adams' willfulness to Obstruct Justice, via, subterfuge, bias, and impropriety.

Dispositive fact, when AP tried to settle the-[matter]-of "venue" at the color of process hearing on 11/20/2020, Adams instantly became obtrusive/agitated, stating to AP, ("If you will not state your name for the record-[which is a premeditated scheme used to obtain "consent," via, trickery]-I'll just have to move on and make my determination/decision."). And that is exactly what Adams did, see, Appx.F.pgs.1&2; the entire extrajudicial color of process hearing lasted a mere five (5) minutes-CP 107-108. What an absurdity! Any reasonable fact-finder, or esp. any reasonable minded jurist, would unequivocally conclude the 11/20/2020 hearing to be unjust, unfair, and unconstitutional; plainly prejudicial to AP, and his-[Original]-state, Writ of Habeas Corpus. Adams willfully chose NOT to give equal weight to AP's Pleading's; and his fundamental-[natural rights]-which are absolute & inalienable. In other words, Adams' determination-[ORDER OF DISMISSAL]-is inadequate to say the least; a consideration that is contrary to the Supreme "Law of the Land," and State law-(Art.1,\$13); see, illegal consideration.

To insure that the Respondent/AAG Kostin, could not argue--  
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that AP's creditable, meritorious claim's/allagation's are mere conjecture, AP initiated a Public Disclosure of the Two (2) identified Legal Mailing's, see, results, Appx.F, pg.8-("A search was conducted and there were no records identified as being responsive to your request."). Meaning, neither of the identified Legal Mailing's were received by the Coyote Ridge Corrections Center (CRCC) Facility's Mail Room Personnel; nothing Logged in the Facility's Legal Mail System/Log.

Adams, Mr. Ferguson, Mr. Kostin, and Mr. Stock, worked in concert to deprive AP of his fundamental due process rights; his fundamental First Amendment Right To Redress; his fundamental Constitutionally protected right to "venue," of his choosing; and AP's State created entitlement-(Art.1, §13)-properly ratified to enhance AP's First Amendment Right.

The fact of the matter is, Adams, Ferguson, Kostin, and Stock, treated AP as if he was a-(Defendant]-in a Criminal Proceeding. See, CP 107-108-"Memorandum of Journal Entry." A "colloquy" is used in criminal cases where the Judge ascertains the "defendant's" rights. See, Blk's, pg.135; see also, "color of process," Blk's, pg.135-("The appearance of validity and sufficiency surrounding a 'legal proceeding' that is later found to be invalid."). Dispositive fact, this sovereign is the Petitioner/Applicant of an application for his "Original" state, Writ of Habeas Corpus; Not a Defendant in a Criminal Case. No charge was brought by AG Ferguson or Kostin; what, is it now a crime to speak, or seek the Truth?!?

Adams' willful omission of [all] AP's pleading's; NO determination's-[Adams chose NOT to give equal weight to AP's pleading's]-CP 86-91, 94-98, 111-117; is plainly illegal, & truly shocks the conscience. See, Moral Turpitude, Blk's, pg. 515-("Conduct that is contrary to justice, honesty, or morality; esp., an act that demonstrates depravity. \*In the area of legal ethics, offenses involving moral turpitude--such as fraud or breach of trust--traditionally make a 'person' unfit to practice law."). Dispositive fact, the only Pleading/Motion that Adams made a determination on was the AG's "Response," which is a fallacious time-bar argument intended to mislead & falsify the record. CP 70-85. See also, "Equitable Tolling Doctrine" of (1963). The Response is in fact a "false instrument." a "Legal Fiction," intentionally promulgated, by design, to "evade" AP's credible meritorious "Federal Question's," which are plainly and adequately pleaded in this sovereigns "Original" state, Writ of Habeas Corpus; which are in fact "justiciable"-(Article III., §2, cl.1)-"claim's" that gives this sovereign (Article III. Standing). See, Bates.v. United.State.Parcel.Serv.,-Inc., 511 F.3d 974, @985 (9th Cir. 2007)("Standing is a threshold matter central to our subject matter jurisdiction."). See also, Lorenze.v.-Safeway,-Inc., 241 F.Supp.3d 1005, @ 1014 (N.D. Cal. 2007)("The Supreme Court has made clear that when considering whether a plaintiff has Article III. Standing, a federal court must assume arguendo the merits of his or her legal claims.").

Question: Exactly, How, did Adams-[an arbitrator presiding over an "extrajudicial" Arbitration Forum]-legally dismiss this sovereign's "Original" state, Writ of Habeas Corpus; esp. without-[Resolving]-and or considering the merit's of AP's Writ, i.e., how could Adams make a well-considered judicious determination on this sovereigns plainly and well pleaded justiciable-(Article III.)-claims without holding a "judicial inquiry"? See, Chapter 7.36.120; and esp. 7.36.140; especially when Adams knew that the Respondent/AG Filed NO Rebuttal(s) on any of AP's Pleading's/Motion's, which is a Matter of Record.

Black's Law-("To have standing in federal court, a plaintiff must show (1) that the challenged conduct has caused the plaintiff actual injury, and (2) that the interest sought to be protected is within the zone of interest meant to be regulated by the statutory or constitutional guarantee in question.") Like AP's fundamental First Amendment Right To Redress the dispositive fact that his Fifth and Sixth Amendment Right's were intentionally abrogated by a third party arbitrator, Nelson, presiding over an "extrajudicial" Arbitration Event in (2002). CP 1-67. A third party arbitrator cannot, legally convene a Grand Jury, let alone obtain a "Bill of Indictment.

Plainly, the interest sought-[by this sovereign]-to be protected are within the zone of the interest meant to be regulated, not only by the Constitutional guarantees, both state and federal, but also the-[mandated]-Statutory Principles and or Provisions of Chapter 7.36-Habeas Corpus-Standards.



("When the trial court lacks jurisdiction, any judgment entered is void.") Prof!l.Marine.Co.-v.-Those.Certian.Under-writers.at.Lloyd's, 118 Wash.App. 694, 703, 77 P.3d 658(2003).

This sovereign did not argue the "facts of the Case," see, the identified Judgment & Sentence-see-CP page 1; he is specifically arguing "jurisdiction" and the Statutory law as it was applied to him, i.e., (Article 1, Sec.25), which abrogated this sovereigns Fifth Amendment Right. Once jurisdiction is challenged, it is presumed that the court-[in this case an Arbitration Event]-had NO jurisdiction over the parties; any act after such challenge, without "proof" backed by relevant and substantive legal evidence, would be a violation of "substantive" Due Process Rights. AG Filed NO Evidence.

See also, "ORDER OF DISMISSAL," which states, ("Petitioner, Marc-James Roberts, having on 5/8/2020, filed a habeas corpus petition, and Respondent having filed a response on 7/13/2020, and this Court being fully advised and having examined the file and upon conducting a hearing on November 20, 2020; NOW THEREFORE, it is ORDERED that the Petitioner's state habeas corpus petition is DISMISSED as time-barred under RCW 10.73.090.").

NOTE, the dispositive fact that the AG attested to the fact that-[only]- the petition, and the response were at issue; meaning, there is NO mention of [all] the other pleading's? CP 86-91;94-98; or 111-117, plainly proving, once again, that Adams' extrajudicial hearing was unjust and unfair; arbitrary and capricious, to say the least. As stated, psychotic.

Mr. Kostin actually stated, for the record: ("DOC is not a proper respondent because Roberts does not raise any confinement issues in his petition, nor does he challenge any actions by the DOC.") What, has Mr. Kostin lost his mind, all sense of reality; meaning, is he actually ignorant of the Standards and or Principles of Chapter 7.36.030(1); and 7.36.050?

Mr. Kostin has proven himself to be a habitual liar; no wonder he was replaced, see, Notice of Withdrawal, Filed on 02/19/2021.

First, as stated above, and as Mr. Kostin is well-aware, Adams' foist "color of process" Arbitration hearing was extrajudicial, i.e., not a Court of Law, i.e., an (Article III,) "court of the several states," a Lawful-[geographical]-superior court, that is lawfully vested with the judicial power of the Union; (Art. III., §1). Thus the willful subterfuge.

Second, the line ("... this Court being fully advised and having examined the files....") is, by design, very carefully worded in order to mislead. For instance, "having examined the files," means, Adams checked the STATE court "ACCORDS" database-[in other words, the "extrajudicial" Arbitration Records, for the "private" fraudulent Arbitration Contracts; meaning, the Arbitration Contract are void, No Transparency, see, Law of Contracts. See also, Accord, n, id. Blk's, pg.8("An amicable arrangement between parties...."). Like in an Arbitration Proceeding/Event. See also, amicalbe. Adams merely "examined" the "private" Arbitration "Contracts" that this sovereign--

unwittingly signed, because he assumed-[the mother of all F\*\*k-Ups]-that in (2002) he was in a "Court of Law," and being represented by competent counsel that was advocating AP's fundamental-[natural]-"God"-given inalienable rights. Come to find out, nothing could be further from the Truth; the Truth is almost unfathomable; almost, much to the chagrin of Adams, Mr. Ferguson, and Mr. Kostin. This sovereign has Discovered the Law; i.e., the Supreme-[natural]-"Law of the Land"; and NOW he has also Discovered the (AAA).

And the Line-["Upon conducting a hearing on November 20, 2020]-what hearing?!? The Record plainly shows that the foist "extrajudicial" foist color of process Arbitration hearing lasted a mere Five (5) minutes, which does not, in any way, equate to a fair and just hearing. See, "Journal Entry," last line-CP 107-108. Adams' determination/"ORDER OF DISMISSAL" is founded on fraud, subterfuge, and preference, rather than on reason or fact, making it void ab initio, and causing this sovereign an actual injury in fact, because it prejudiced his "Original" state, Writ of Habeas Corpus-a civil action. Which is just one of the many reasons WHY this (COA) must review AP's habeas corpus-[de novo]-as Natural Law, "equity jurisprudence" requires. ("The appellate court reviews conclusions of law de nove.") Kusturn.v. Dep't of Labor & Indus., 169 Wn.2d 81, @ 87, 233 P.3d 853 (2010). See also, Chapter 7.36.140.

Adams is guilty of misprision of treason, even if she is not an actual Judge. Furthermore, Adams' unconstitutional and

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unjustifiable sanction of Mr. Ferguson's and Mr. Kostin's inference, "Legal Fiction," i.e., their fallacious "Time-Bar" argument, is reckless, unreasonable, and unconscionable; at least to any reasonable jurist, or trier of fact. Adams has plainly proven her willfulness to Obstruct Justice.

Adams knows full-well that a "habeas corpus" court must retain the ability to cut through ['] barriers of form['] and procedural mazes [,] in the interest of Justice." Harris v. Nelson, 394 U.S. 286. The issue's of void judgment, via, lack of jurisdiction are legitimate collateral attack claims because they violate "Due Process," and are therefore criminal in nature which are subject to review in a petition for writ of habeas corpus. As in a motion to vacate under Fed.R.Civ.P., Rule 60(b)(3), this sovereign's justiciable-(Art. III.)-claims establish a non-discretionary requirement for a Article III. Court to grant relief. Also, ("A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time in any court, either directly or collaterally....") Long v. Shorebank Development, Corp., 182 F.2d 548 (7th Cir. 1999); Antonie v. Atlas Turner Inc., 66 F.3d 105, 108 (6th Cir. 1995). And, ("A court has no jurisdiction over a party not properly indicted by a grand jury.") Stump v. Sparkman, 435 U.S. 349, @ 355-56, 98 S.Ct. 1099, @ 1104-05, 55 U.Ed.2d 331 (1978).

Adams, and the AG are presumed to know the law; whats-up?

Brief of Appellant -17-

Mr. Ferguson, and Mr. Kostin's false inference on their absurd "Time-Bar" argument-[which AP plainly and adequately disproved-(CP 86-91 & 94-98; see also, CR 52 (b)-CP 111-117)]-is considered in law, a "false instrument." See, inference on inference rule of (1939), id. Blk's, pg.402-("The principle that a presumption based on another presumption cannot serve as a basis for determining an ultimate fact.").

Adams, Ferguson, and Kostin, read/descried this sovereigns habeas corpus-civil action, and assuming that none of them are stupid; suffering from a serious case of psychosis-[maybe]-you be the Judge, no pun intended; meaning, they all unequivocally know that this sovereigns "Original" writ of habeas corpus IS NOT TIME-BARRED. So "WHY" the willful misconduct? WHY the willful malicious acts of malice? AP plainly and adequately pleaded his justiciable-(Article III., §2, cl.1)-claim's, that must, as a matter of law and justice, be properly adjudicated. Dispositive fact, nobody has claimed AP's "Original" writ to be frivolous, or without merit; same with AP's meritorious allegation's; all of which is a matter of record.

The answer to the "WHY's" above are crystal clear; this sovereign has Discovered the root-[systemic nature]-of their Treason, i.e., "Arbitration," so they got together and willfully chose to engage in a concerted effort-[conspired against this sovereign]-to deprive AP of his fundamental First Amendment Right To Redress; in other words, they devised a plot, a premeditated stratagem/scheme-[by design]-to dismiss this--

sovereign's "Original" writ, just to conceal their willful and intentional corruption; premeditated criminal activity; i.e., masquerading as an-(Article III.)-Court of Law, i.e., a "court of the several states." CP 1-67.

Adams, Ferguson, and Kostin, and NOW this COA, for that matter, all know, beyond any doubt, that this sovereign's "Original" state, Writ of Habeas Corpus-a civil action, Is Not "Time-Barred," for the simple dispositive fact that his (J&S) was NOT rendered by a court of competent jurisdiction-RCW 10.73.090; No Grand Jury was convened, because a Public Arbitration Form is "extrajudicial"; which means, NO BILL of Indictment exist, Period; thus jurisdiction was not obtained. See also, "Equitable Tolling," (1963), id. Blk's, pg.300-("The doctrine that the statute of limitations-[RCW 10.73.090]-will not bar a claim if the plaintiff, despite diligent efforts-[descry writ-CP 1-67]-did not discover the injury-(intentional fraud-forced association)-until after the limitations period has expired, in which case the statute is suspended or tolled until the plaintiff discovers the injury."). Of couse [all] concerned are well aware of this dispositive fact-CP 86-91; 94-98; 111-117-thus the willful misconduct/malice.

When will this sovereign be able/aloud to speak to a reasonable Adult, an actual Officer and or Judge, who is actually vested with the judicial power of the "Union," presiding over an-(Art.III.) Court of Law? Or at least an unbiased Arbitrator. All concerned know that this sovereigns "Writ" is Sound.

### V. Conclusion/Relief Sought

Based upon the irrefutable dispositive facts and substantial evidence, all of which is a matter of record, this sovereign/AP prays that this COA will vacate Adams' "ORDER OF DISMISSAL"; grant this sovereign's Appeal; take control of this sovereign's "Original" state, Writ of Habeas Corpus-CP 1-67, and apply the legislature's Statutory Principles/Provisions plainly articulated in Chapter 7.36.

This is a simple action; either the Respondent/AG can produce a genuine true "Bill of Indictment," obtained by a Lawfully convened Grand Jury, or he can't; justice must prevail.

I, Marc James Roberts, hereby swears/declares by Affidavit and under penalty of perjury (within) the laws of the Sovereign "Washington state," sic, that the forgoing is True, Correct, and based upon this sovereign's First-Hand Knowledge, Understanding and Beliefs.

Further, Affiant-[sui juris sovereign]-Saith Nought.

Done this 1<sup>st</sup> day of the month of September, 2021, A.D..

Marc James Roberts  
Marc James Roberts [sui juris sovereign]  
all rights reserved, DBA:  
ROBERTS, MARC-DOC #843042 H-Unit B-14  
Coyote Ridge Corrections Center  
P.O. Box 769, Connell, WA. 99326

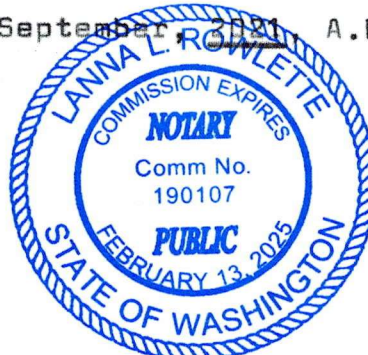
**Notary Public:** In witness herein, Marc James Roberts, did personally appear before ME with valid Picture ID, and duly sworn upon oath, certifies and declares that this "Brief of Appellant" is True, Accurate and Complete, and based upon his First-Hand Knowledge, Understanding and Beliefs.

DATED THIS 1<sup>st</sup> day of the month of September, 2021, A.D..

Lanna L. Rowlette  
Notary Public, in and for the  
STATE OF WASHINGTON  
Franklin County

My Commission Expires: 2/13/2025  
Brief of Appellant

-20-



Proof of Service

I, Marc James Roberts, certifies and or swears, under penalty of perjury, that on the 2 day of the month of September, 2021, I caused a true and correct Copy of Appellant's "Brief of Appellant," to be served on the following, in the manner indicated below:

Note: Appellant hereby apprises the Respondent that he has thirty (30) days from the receipt of this mailing (Brief of Appellant) to file/submit his Brief in Opposition.

Counsel for: Jeffrey Uttecht

[X] U.S. Mail - See, GR 3.1

Name: Mr. Gregory Kennedy Ziser

Address: Assistant Atty. Gen.,

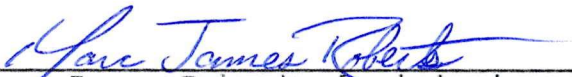
P.O. Box 40116

Olympia, WA

98504-0116

FILED  
COURT OF APPEALS  
DIVISION II  
2021 SEP -8 AM 10:45  
STATE OF WASHINGTON  
BY DEPUTY

Respectfully Submitted By:

  
\_\_\_\_\_  
Marc James Roberts-[sui juris sovereign]  
all rights reserved  
c/o Coyote Ridge Corrections Center  
P.O. Box 769  
Connell, WA 99326



DECLARATION OF SERVICE BY MAIL

GR 3.1

---

MAIL BOX RULE: [An] inmate's pleadings are deemed filed when deposited in the institution's internal mail system.

I, Marc James Roberts, declare and say:

That on the 2 day of September, 2021, I deposited the following document(s) in the Coyote Ridge Corrections Center's Legal Mail System, by: First-Class, Prepaid-Postage, under Court of Appeals, Division Two, Case No. 55362-7-II

"Brief of Appellant"

Mailing addressed to the following:

Mr. Gregory Kennedy Ziser  
Assistant Attorney General  
P.O. Box 40116  
Olympia, WA  
98504-0116

Washington State Court of Appeals,  
Division Two,  
909 A Street, Suite 200  
Tacoma, WA  
98402

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 2 day of September, 2021, in the City of Connell, County of Franklin, State of Washington.

Marc James Roberts  
Marc James Roberts - [sui juris sovereign]  
all rights reserved  
c/o Coyote Ridge Corr. Center  
1301 N. Ephrata Avenue  
Connell, WA 99326-0769

# APPENDIX F

"Verbatim Report"  
By Marc James Roberts  
On November 20, 2020, Hearing  
Pursuant To RAP Rule 9.3, and 9.2(e) & (f)

Case Name: Short Title, Roberts v. Uttecht  
Superior Court No: 20-2-06525-6  
Appellate No: 55362-7-II  
Date of Hearing: November 20, 2020  
Time: 10:00AM  
Subject: Mandatory - Court Review Hearing  
Trial Court Judge: 11 Susan B. Adams  
Respondent's Attorney: AAG Kostin - WSBA #29115  
Reporter(s) Name(s): N/A at this time

---

- Q. Adams: Asked applicant to state his name for the record.
- A. applicant: One moment, please. The question of "venue," as a matter of Law, must first be settled.
- Q. Adams: You must state your name for the Record.
- A. applicant: I'd be happy to answer that, as soon as the question of "venue" is settled.
- Q. Adams: If you will not state your name for the Record, I'll just have to move on and make my Determination/Decision.
- A. applicant: Proceeded to establish who he was; but was sharply cut off by Judge Adams.
- Q. Adams: Turned the proceedings over to Respondent's Counsel, AAG Kostin.
- A. Kostin: Respondent recommends that the Court dismiss petitioner's Habeas action due to being "Time-Barred."
- Q. applicant: Attempted to formally object to Respondent's recommendation to dismiss applicant's Habeas action due to "Time-Barr"; but was ignored.
- A. Adams: Asked applicant, again, to state his name for the Record.
- Q. applicant: Did not give his name, and instead, asked Judge Adams, "Is this an Article III. Court?"
- A. Adams: Did not answer this simple question, for the Record, but instead, moved quickly to make her determination/decision, i.e., granted Respondent's "Motion to Dismiss"-[petitioner's Habeas action]-as "Time-Barred."

A. applicant: Never stated/provided his name for the Record-[no jurisdiction]-but did "state on/for the Record," before Judge Adams concluded the Hearing, which extremely prejudiced applicant's-[Original]-state, Writ of Habeas Corpus, action, ("The question of 'venue' has not been settled.").

"Indeed, no more than (affidavits) is necessary to make the prima facie case." United State v. Kis, 658 F.2d 526, (7th Cir. 1981), cert. denied, 50 U.S.L.W., S.Ct. March 22, 1982).

I, Marc James Roberts, hereby swears/declares by Averment/Affidavit; and under penalty of perjury under The Laws of the Sovereign, Washington state, and (within) The Laws of the United States of America, that the foregoing is True, Correct, and based upon this sovereign's First-Hand Knowledge, Understanding and Beliefs.

Further, Averor/Affiant, sui juris sovereign, Saith Nought.

Done this 27th day of July, 2021, A.D.

Marc James Roberts

Marc James Roberts [sui juris sovereign]  
all rights reserved, DBA:  
ROBERTS, MARC  
DOC #843042 / HB-14  
Coyote Ridge Corrections Center  
P.O. Box 769  
Connell, WA 99326-0769

Notary Public:

In witness herein, Marc James Roberts, did personally and physically appear before ME with valid Picture ID, and being duly sworn upon oath, certifies and declares that the Verbatim Report is true, accurate and complete, and based upon his first-hand knowledge, understanding and belief.

DATED THIS 27th day of July, 2021, A.D.

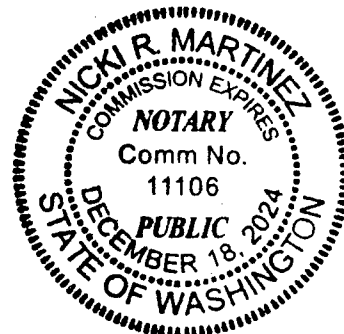
Nicki R. Martinez  
Notary Public, in and for the  
State/STATE OF WASHINGTON

SEAL:

My Commission Expires: 12 / 18 / 24

Verbatim Report

-2-



Pg.2



# Pierce County

Office of the County Clerk

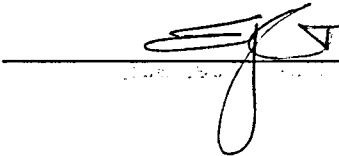
930 Tacoma Avenue South, Room 110  
Tacoma, Washington 98402-2177  
(253) 798-7455 • FAX (253) 798-3428

**KEVIN STOCK**  
Clerk of the Superior Court and  
Director of Arbitration

## WE ARE RETURNING THE ATTACHED DOCUMENT(S) FOR THE FOLLOWING DEFICIENCY:

- [ ] Effective September 1, 2017, specified Ex Parte Order shall be submitted electronically via the LINX website and are subject to a \$40 Ex-Parte fee. See PCLGR 30 for specific rules.
- [ ] Effective April 1, 2001, margin requirements for all pleadings filed with the court are as follows: 3 inches from the top (1<sup>st</sup> page only) and 1 inch from the sides and bottom. White paper only. No two-sided paper. See GR 14 for specific rules.
- [ ] Effective September 1, 2017, Writs of Garnishment and Writs of Restitution have been removed from the E-filing exemption. Writs of Garnishment and Writs of Restitution shall be submitted through the LINX website. See PCLGR 30 for specific rules.
- [ ] Unlawful Detainer (Eviction). The remaining \$112.00 filing fee must be paid prior to entry of ANY order *except* an Order of Default Judgment and/or Order for Writ of Restitution. See RCW 36.18.020(2)(a).
- [ ] Original documents to be filed have not been signed.
- [ ] Original documents to be filed have not been signed by Judge/Commissioner. Proposed orders not accepted.
- [ ] Documents presented for filing must bear an original INK signature. Copies are not accepted for filing.
- [ ] Incorrect cause number / No case number / Incorrect county (       ) / Incorrect court
- [ ] Effective January 1, 2012, pleadings must be electronically filed. See PCLGR 30 for specific rules.

☒ Other: See Attached

 Deputy Clerk



**Pierce County Superior Court Civil Case 20-2-06525-6**

Case Title: MARC-JAMES ROBERTS VS. JEFFREY UTTECHT  
Case Type: Writ of Habeas Corpus  
Access: Public  
Track Assignment: Court Review - 4 Months  
Jury Size:  
Estimated Trial Length:  
Dept Judge: 11 Susan B. Adams  
Resolution: 11/23/2020 Dismissal Without Trial  
Completion: 11/23/2020 Judgment/Order/Decree Filed

**Litigants**

Name	Type	Status
<b>ROBERTS, MARC-JAMES</b>	Petitioner	
<b>UTTECHT, JEFFREY</b>	Respondent	
Attorney for UTTECHT, JEFFREY <u>Alex A Kostin</u>	Type Atty for Respondent	Bar Number 29115

**Filings**

Filing Date	Filing	Access	Pages	Microfilm
06/16/2020	CASE INFORMATION COVER SHEET	Public	1	
06/16/2020	MOTION TO PROCEED IN FORMA PAUPERIS	Public	5	
06/16/2020	ORDER TO PROCEED IN FORMA PAUPERIS	Public	2	
06/16/2020	ORDER ASSIGNING CASE TO DEPARTMENT AND SETTING HEARING DATE	Public	1	
06/16/2020	LETTER FROM PETITIONER	Public	2	
06/16/2020	WRIT OF HABEAS CORPUS	Public	67	
06/30/2020	NOTICE OF APPEARANCE	Public	2	
07/13/2020	RESPONSE	Public	16	
08/03/2020	MOTION TO EXTEND	Public	3	
08/21/2020	OBJECTIONS TO MOTION TO DISMISS	Public	6	
08/21/2020	MOTION FOR CHANGE OF VENUE	Public	4	
09/21/2020	ORDER SETTING ORIGINAL CASE SCHEDULE	Public	2	
09/23/2020	DECLARATION OF MARC JAMES ROBERTS RE STANDARD OF REVIEW	Public	5	
10/05/2020	MAIL RETURNED - UNCLAIMED	Public	4	
10/09/2020	REASSIGNMENT LETTER	Public	1	
11/03/2020	MAIL RETURNED - UNCLAIMED	Public	3	
11/20/2020	CLERK'S MINUTE ENTRY	Public	2	
11/23/2020	ORDER OF DISMISSAL	Public	2	

**PURCHASE COPIES****Proceedings**

Date	Calendar	Outcome
06/16/2020	C - SHOW CAUSE-MASTER CAL (Rm. 140 ) Confirmed 12:00 Ex Parte	Ex-Parte w/ Order Held
10/09/2020	TBD - TO BE DETERMINED (Rm. 211A) Confirmed 9:00 Mandatory - Court Review Hrg	Continued
11/20/2020	DEPT 11 - JUDGE ADAMS (Rm. 210A) Confirmed 9:00 Mandatory - Court Review Hrg	Held

**No Case Schedule Items**

Event	Schedule Date
-------	---------------

**Judgments**

Cause #	Status	Signed	Effective	Filed
---------	--------	--------	-----------	-------

TO: Office of the Court Administrator  
930 Tacoma Avenue South  
Tacoma, WA 98402

RE: Courtesy Copy Request

DATE: 17 November 2020

Dear Administrator:

I possess Docket information for Civil Case No. 20-2-06525-6,  
which reflects an entry, claiming: MAIL RETURNED - UNCLAIMED;  
4 Pages.


I know of no such instance, at any point in time, wherein Legal  
Mail was not accepted, rejected, or declined, by me, personally.

Unfortunately, the Coyote Ridge Corrections Center's Mailroom,  
suggests that Public Disclosure processes be followed; time  
is of the essence.

If at all possible, I humbly request a courtesy copy of said  
unclaimed mail. An SASE is enclosed for your convenience.

Thank you for your time, patience, and consideration regarding  
my request.

Sincerely,

  
Mr. Marc James Roberts - prin.,  
DBA: ROBERTS, MARC JAMES; #843042 / HB-14  
COYOTE RIDGE CORRECTIONS CENTER  
1301 N. Ephrata Avenue  
Connell, WA 99326-0769  
all rights reserved

To: Mr. Kevin Stock - Pierce County Clerk  
930 Tacoma Avenue South, Rm.110  
Tacoma, WA 98402

RE: Information Request(s)

Date: 30 November 2020

Dear Mr. Stock:

Please grant the following request(s) pertaining to Civil Case  
20-2-06525-6.

One non-certified copy of each of the following:

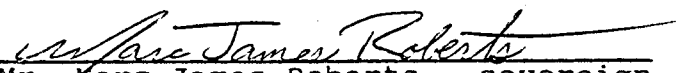
11/20/2020 Verbatim Copy of 10AM (9AM) Mandatory - Court Review  
HRG [Event]  
11/03/2020 MAIL RETURNED-UNCLAIMED; 3 Pp;  
10/09/2020 REASSIGNMENT LETTER; 1 Pg; and,  
10/05/2020 MAIL RETURNED-UNCLAIMED; 4 Pp

Please disclose cost of request(s) for remittance, as well as an  
updated Case Docket for Civil Case 20-2-06525-6.

An SASE is enclosed for your convenience; also, please forward a  
copy of the local superior Court Rules for Pierce County.

Thank you for your attention regarding my request(s).

Respectfully:

  
Mr. Marc James Roberts - sovereign  
all rights reserved  
c/o Coyote Ridge Corrections Center  
1301 N. Ephrata Avenue  
Connell, Wash. [99326]



To: Mr. Kevin Stock - Pierce County Clerk  
930 Tacoma Avenue South  
Tacoma, WA 98402

RE: Information Request(s)

Date: 29 December 2020

Dear Mr. Stock:

I received your US POSTAGE paid mailing, dated 12/23/2020.  
As per the Case Docket forwarded by your office, I request  
uncertified copies of the following document(s):

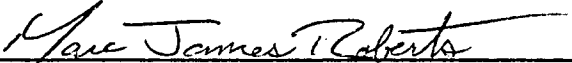
11/23/2020 ORDER OF DISMISSAL	2 pages
11/20/2020 CLERK'S MINUTE ENTRY	2 pages
11/03/2020 MAIL RETURNED - UNCLAIMED	3 pages
10/09/2020 REASSIGNMENT LETTER	1 page
10/05/2020 MAIL RETURNED - UNCLAIMED	4 pages

TOTAL COPIES: 1 EACH  
COST PER UNCERTIFIED COPY: .50¢ EACH  
TOTAL PAGES: 12 PAGES  
TOTAL TRANSACTION FEE: \$6.00  
POSTAGE: SASE ENCLOSED

As per request made on 30 November 2020, I request a copy of  
the local superior Court Rules for Pierce County.

Thank you for your attention regarding my request(s).

Respectfully:

  
Mr. Marc James Roberts - sovereign  
all rights reserved

DBA: ROBERTS, MARC JAMES - HB-14  
STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS TRUST ACCOUNT NUMBER: 843042  
c/o Coyote Ridge Corrections Center  
1301 N. Ephrata Avenue  
Connell, WA 99326-0769



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
P.O. Box 41118 • Olympia, Washington 98504-1101

January 12, 2021

Marc Roberts DOC #843042  
H/HB142U  
Coyote Ridge Corrections Center  
1301 N. Ephrata Ave.  
Connell, WA 99326

Marc Roberts:

This letter is a follow up to my previous correspondence to you regarding your public records request, tracking # P-17247.

You write to request disclosure of the following records:

1. Copy of the mailrooms legal mail log confirming "unclaimed" legal mail for Marc Roberts (or any derivation) DOC #843042 for the weeks of October 12, 2020, October 19, 2020 and October 26, 2020
2. Copy of the mailrooms legal mail log confirming "unclaimed" legal mail for Marc Roberts (or any derivation) DOC #843042 for the weeks of September 14, 2020, September 21, 2020 and September 28, 2020

A search was conducted and there were no records identified as being responsive to your request.

This request has been fulfilled and is considered closed.

Sincerely,

Carrie Nichols, Public Records Specialist  
Public Records Unit  
Department of Corrections  
P.O. Box 41118  
Olympia, WA 98504-1118

CN: P-843042

The superior Court of Washington state  
for Pierce County

(Authority: Const. (1787) (Article III, §1))

Special appearance - by	)	Case No. <u>20-2-06525-6</u>
Marc James Roberts,	)	
[sui juris sovereign],	)	
Plaintiff/Petitioner,	)	
v.	)	Motion for Change of Venue
	)	
Jeffrey Uttecht - Superintendent,	)	
Coyote Ridge Corrections Center	)	
<u>Respondent/Defendant.</u>	)	

Comes Now, Marc James Roberts, (hereinafter, Plaintiff), in his sui juris sovereign capacity, Motions this court for Change of Venue. The Attorney General has made clear, on the cover page (captioning), of his response, that this sovereign's Initial state Writ of Habeas Corpus was improperly Filed in an executive/administrative COURT; clerical error of the court Clerk, which is no fault of this sovereign.

This sovereign Filed his habeas in an Article III, Court of Equity, i.e., a "court of the several states." See, Cover Page, Caption of Plaintiff's Writ. The Clerk has not sent Plaintiff a copy of the "Face" (Cover Page) of his habeas corpus because the court Clerk does not want him to know that it was Filed in an executive/administrative COURT, which the court seal would show. Therefore, this sovereign Files this Motion for Change of Venue, pursuant to, State v. Pejsa, 75 Wn.App. 139, 145, 876 P.2d 963 (1994)("venue" is a Constitutional right.).

June 24, 2021

COA Cause No. 55362-7-II  
PIERCE CTY. No, 20-2-06525-6

"Letter" to KEVIN STOCK, Clerk, and Deputy Clerk? name unknown?

Re: "NOTICE OF DEFICIENCY"? Received by Appellant on 06/21/2021

Mr. Stock,

Appellant "Filed" his "DESIGNATION OF CLERK's PAPERS AND EXHIBITS" (DOCPE) according to the definite provisions of RAP Rule 9.6(b) on June 10, 2021; and served the Defendant his Copy pursuant to RAP Rule 18.5(b) and CR 5(b). Appellant also sent a Copy of the (DOCPE) to the appellate court, i.e., the Court of Appeals, Division II (COA), pursuant to RAP Rule 9.6(a).

Appellant is somewhat perplexed, to say the least, because the Deputy Clerk's returned appellant's (DOCPE), claiming a "DEFICIENCY"; yet failed to State an actual "DEFICIENCY"? Appellant read/described the Document's very carefully [several times] but could not find any. Stated "DEFICIENCY"? Oh well, it is plainly "YOUR" Case, Mr. STOCK, and or the Deputy Clerk's; this appellant is obviously here-[ONLY]-to follow Instruction's and pay the Bill/Cost. Sobeit.

Therefore, per the Deputy Clerk's Instruction's, appellant has painstakingly transferred his (DOCPE) onto the ("COURT's") ["Official Form"] which was enclosed; even though it seems quite ludicrous to this appellant.

Mr. STOCK, if you cannot produce certain Requested (DOCPE)-[because they do not exist]-simply make a Statement to the (COA) that such (DOCPE) do not exist; and send the (DOCPE) that you can produce to the (COA), pursuant to RAP Rule 9.6(c).

All (DOCPE) Document's asked for in appellant's "First" and "Second" Filing's are definitively Titled, and absolutely relevant to appellant's "Appeal"; if this-["COURT"]-was actually a Court of Law; especially an (Art. III., §1) "Court of Equity," [All] the Document's that appellant has "Requested" would be a "Matter of Record"; this is simply a "dispositive fact."

Appellant strongly suggest that you, Mr. STOCK, Process this (DOCPE) forthwith; it is your non-discretionary duty, is it not? See, RAP Rule 9.6(c). Appellant also suggest that you and the deputy clerk desist in your willfulness to "obstruct the course of justice", via, willful malicious act's of malice.

Please accept appellant's sincere apology for trying to-["File"]-something so inappropriate and unprofessional, i.e., appellant's "First" (DOCPE). Appellant does not have a Harvard Law Degree; he is merely a humble pro se litigant who is trying to do his best to follow all the Rule's & Instruction's, using common sense.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY

Marc James Roberts, Appellant/Aggrieved Party,	)	COA No. <u>55362-7-II</u>
	)	PIERCE CTY. No. <u>20-2-06525-6</u>
	)	
v.	)	
	)	"DESIGNATION OF CLERK's PAPERS AND EXHIBITS"
Jeffrey Uttecht, Superintendent, Coyote Ridge Corrections Center,	)	Pursuant To RAP Rule 9.6
Respondent.	)	

Comes Now, Marc James Roberts, instructing the PIERCE COUNTY COURT Clerk to transmit the following designated documents to the Court of Appeals: (1) Notice of Appeal, Filed on 01/05/2021, which was perfected on May 14, 2021 (RAP Rule 9.6(b)(1)(A)); (2) The true "Bill of Indictment," by a Grand Jury, in challenged, SUPERIOR COURT, cause No: 01-1-05854-3, presiding Judge NELSON, (id.(1)(B)); (3) Writ of Habeas Corpus, Filed on 06/16/2020, with annexed Exhibit(s)/Attachment(s); (4) Notice of Appearance, by the Respondent/Attorney General (AG), and the SUPERIOR COURT's "ORDER," i.e., the COURT's "Show Cause Order" to the AG; (5) The AG's RESPONSE, Filed on 07/13/2020; (6) Objection to Motion to Dismiss, Filed on 08/21/2020, and any determination made by the COURT on "Objection to Motion to Dismiss"; (7) Motion for Change of Venue, Filed on 08/21/2020, and any determination made by the COURT on the "Motion for Change of Venue"; (8) "Declaration of Marc James Roberts Re Standard of Review," Filed on 09/23/2020, and any determination made by the COURT on said "Standard of Review"; (9) The "ORDER SETTING ORIGINAL CASE SCHEDULE," Filed on 09/21/2020, and RETURNED MAIL - UNCLAIMED on 10/05/2020; (10) The "REASSIGNMENT LETTER," Filed on 10/09/2020, and RETURNED MAIL - UNCLAIMED on 11/03/2020;

Please complete & return.

I've enclosed a copy of the court docket, listing all documents filed in the court file 20-2-010525-4.

Per Rap 9.10, please list the name & date of the document. E.

Document	Date.
mt. to proceed 1/6	10.10.20

**Pierce County Superior Court Civil Case 20-2-06525-6**

Case Title: MARC-JAMES ROBERTS VS. JEFFREY UTTECHT  
Case Type: Writ of Habeas Corpus  
Access: Public  
Track Assignment: Court Review - 4 Months  
Jury Size:  
Estimated Trial Length:  
Dept Judge: 11 Susan B. Adams  
Resolution: 11/23/2020 Dismissal Without Trial  
Completion: 11/23/2020 Judgment/Order/Decree Filed

**Litigants**

Name	Type	Status
<b>ROBERTS, MARC-JAMES</b>	Petitioner	
<b>UTTECHT, JEFFREY</b>	Respondent	
<b>Attorney for UTTECHT, JEFFREY</b>	<b>Type</b>	<b>Bar Number</b>
<u>Gregory Kennedy Ziser</u>	Atty for Respondent	43103

**Filings**

Filing Date	Filing	Access	Pages	Microfilm
06/16/2020	CASE INFORMATION COVER SHEET	Public	1	
06/16/2020	MOTION TO PROCEED IN FORMA PAUPERIS	Public	5	
06/16/2020	ORDER TO PROCEED IN FORMA PAUPERIS	Public	2	
06/16/2020	ORDER ASSIGNING CASE TO DEPARTMENT AND SETTING HEARING DATE	Public	1	
06/16/2020	LETTER FROM PETITIONER	Public	2	
06/16/2020	WRIT OF HABEAS CORPUS	Public	67	
06/30/2020	NOTICE OF APPEARANCE	Public	2	
07/13/2020	RESPONSE	Public	16	
08/03/2020	MOTION TO EXTEND	Public	3	
08/21/2020	MOTION FOR CHANGE OF VENUE	Public	4	
08/21/2020	OBJECTIONS TO MOTION TO DISMISS	Public	6	
09/21/2020	ORDER SETTING ORIGINAL CASE SCHEDULE	Public	2	
09/23/2020	DECLARATION OF MARC JAMES ROBERTS RE STANDARD OF REVIEW	Public	5	
10/05/2020	MAIL RETURNED - UNCLAIMED	Public	4	
10/09/2020	REASSIGNMENT LETTER	Public	1	
11/03/2020	MAIL RETURNED - UNCLAIMED	Public	3	
11/20/2020	CLERK'S MINUTE ENTRY	Public	2	
11/23/2020	ORDER OF DISMISSAL	Public	2	
12/07/2020	MOTION FOR RELIEF	Public	7	
01/05/2021	NOTICE OF APPEAL NO FEE	Public	4	
01/06/2021	TRANSMITTAL LETTER COPY FILED	Public	1	
02/04/2021	LETTER FROM MARC ROBERTS	Public	1	
02/12/2021	MOTION AND AFFIDAVIT OF INDIGENCY	Public	4	
02/12/2021	AFFIDAVIT OF INDIGENCY	Public	4	
02/19/2021	NOTICE OF WITHDRAWAL AND SUB OF COUNSEL	Public	2	
02/25/2021	FINDINGS OF INDIGENCY & ORDER TO TRANSMIT FINDINGS OF INDIGENCY	Public	2	
03/03/2021	TRANSMITTAL LETTER COPY FILED	Public	1	
03/16/2021	LETTER FROM SUPREME COURT RE INDIGENCY	Public	2	
04/28/2021	LETTER FROM COURT OF APPEALS	Public	1	
05/03/2021	COPY OF RULING FROM COA/SC	Public	2	
05/14/2021	PERFECTION NOTICE FROM COURT OF APPEALS	Public	2	
05/27/2021	OBJECTIONS	Public	9	

**PURCHASE COPIES**

1 September 2021

Mr. Derek M. Byrne - Clerk: Court of Appeals  
909 A Street, Suite 200  
Tacoma, WA 98402

RECEIVED

SEP 08 2021

RE: Filing of Revised Brief of Appellant  
[COA2 No. 55362-7-II]

CLERK OF COURT OF APPEALS DIV II  
STATE OF WASHINGTON

Dear, Mr. Byrne:

Appellant, Marc James Roberts, received a "Letter of Deficiency" from your office; re appellant's "Brief"; Dated August 5, 2021. The Letter apprised appellant that his New Deadline; September 7, 2021; had been Docketed for Filing his "Revised" Brief of Appellant.

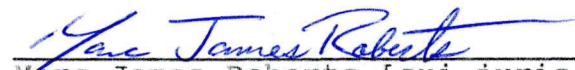
Enclosed, you will find appellant's revised Brief, with annexed Appendix F; which contains substantial, ultimate evidence/dispositive facts, which the COA needs in order to make a judicious decision/determination on appellant's Appeal.

Note: It is a matter of record that appellant paid the cost for the, "DESIGNATION OF CLERK'S PAPERS AND EXHIBITS," which, for the "Record," appellant has not received to Date. Therefore, appellant used the Clerk's, Mr. Stock's, unprofessional, jumbled "Index," of Clerk's Papers, i.e., itemized "cost bill," to fix the "Deficiencies" articulated in your 08/05/2021 "Letter."

Appellant has notified/apprised Respondent/AG of his thirty (30) day deadline to File his "Brief of Respondent in Civil Case," RAP 10.2(b); see, "Proof of Service." Please notify appellant forthwith, if his notification to Respondent, "New Filing Date," is incorrect; that is, send appellant the correct "Docket" Scheduling Date; so he may apprise the Respondent.

Thank you for your time and energy in this important matter; appellant is doing his best to comply with [all] COA Rules.

Sincerely,



Marc James Roberts-[sui juris sovereign]  
all rights reserved  
DBA: ROBERTS, MARC  
DOC# 843042 / HB-14  
c/o Coyote Ridge Corrections Center  
P.O. Box 769  
Connell, WA 99326-0769